IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4422 OF 1990

Warana Dharangrast Sangram
Sanghatana & Ors. ...Petitioners.
Vs.
The State of Maharashtra & Ors. ...Respondents.

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Mr. R.V. More for the Petitioners.
Mr. V. P. Malvankar, AGP for Respondent No.1 to 5.

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CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

June 6, 2005.

P.C.:

A notification was issued under Section 4 of the Land Acquisition Act, 1894, on 19th February 1975, by which certain lands, inter alia, situated in village Mouje Mandur, in the Taluka of Shirala, in the District of Sangli, were notified for acquisition for constructing a dam at Chandoli on Warana River. A declaration under Section 6 was issued on 4th June 1976 and the award was made on 31st March 1981. Petitioner Nos.2 to 6 are agriculturists whose lands have been acquired. Their case, in these proceedings, is that out of 490 acres of land in the village that

came to be acquired, the Respondent-State has utilized 195 acres and that an area admeasuring 295 acres has been lying vacant. The work of the Dam is stated to have been completed in 1988. According to the Petitioners, on 7th March 1988, the Collector and Deputy Resettlement Officer, Sangli, purported to allot the lands that remained to be utilized, to a Fisheries Centre. Representations were thereupon addressed on behalf of the Petitioners to the authorities of the State Government to return the lands back to the agriculturists since they were not required for the purpose for which the lands were acquired. It has been stated that in Mouje Mandur, the total area available for agriculture was approximately 695 acres which was owned by about 277 families. 490 acres of land were acquired, leaving the balance with agriculturists. According to the Petitioners, several families became landless and were deprived of their livelihood without resettlement under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1976. The Petitioners have, in the present proceedings, prayed for a writ of mandamus directing the State to restore possession of agricultural lands admeasuring

295 acres from Survey Nos.33 to 40 and 60 to 117 of village Mandur which came to be acquired under the Land Acquisition Act, 1894.

2. In the very nature of things, it would not be possible for this Court to issue a writ of mandamus directing the Government to restore possession to the Petitioners and to other similarly situated agriculturists. The Government can, however, be called upon to consider the request of the Petitioners in accordance with law. During the pendency of these proceedings, by an interim order dated 5th October 1990, the Respondents were directed to maintain the status quo pending further orders. Liberty was, however, reserved to the Government to move the Court for vacating the interim order or for modification thereof after the affidavit in reply was filed. No affidavit in reply has been filed to the petition. In these circumstances, this petition is disposed of by directing the Respondents to consider the request of the Petitioners contained in the petition in accordance with law and to pass orders thereon within a period of three months from today. The interim order

passed by this Court on 5th October 1990 shall continue to operate until the Respondents consider the matter in terms of the aforesaid direction and pass final orders thereon. The petition shall accordingly stand disposed of in these terms. In the circumstances of the case, there shall be no order as to costs.

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